

ESTTA Tracking number: **ESTTA160816**

Filing date: **09/05/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91175379
Party	Defendant Exceptional Innovation LLC
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Submission	Other Motions/Papers
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Date	09/05/2007
Attachments	SFX1B82.pdf (3 pages)(68563 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bose Corporation,)	
)	Opposition No. <u>91175379</u>
Opposer,)	
)	Re: Serial No. <u>78845279</u>
v.)	
)	Interlocutory Attorney: <u>Elizabeth A. Dunn</u>
Exceptional Innovation LLC,)	
)	
Applicant.)	
)	

**JOINT MOTION TO SET ASIDE DEFAULT AND ENTER
VOLUNTARY ABANDONMENT WITH CONSENT OF OPPOSER**

On August 15, 2007, Applicant filed a GRANT OF CONSENT FOR VOLUNTARY EXPRESS ABANDONMENT OF TRADEMARK APPLICATION signed by Opposer, tracking number ESTTA156962. This filing reflects the email addresses of both Applicant and Opposer. However, Applicant mistakenly omitted proof of service of this filing per the requirements of 37 C.F.R. § 2.119 as of August 15, 2007. Citing the lack of proof of service, the Trademark Trial & Appeal Board entered a default judgment against Applicant on August 28, 2007.

The parties stipulate that both were given actual notice of the previous filing and that the omission of proof of service in this filing was unintentional. The parties stipulate to setting aside the default judgment entered on August 28, 2007 in favor of a new entry reflecting the voluntary express abandonment of Serial Number 78845279 with Opposer's consent. The Parties have previously agreed and do hereby stipulate to accepting email service for proceedings before the Board.

Therefore, the Parties hereby move the Board to set aside the judgment entered on August 28, 2007 and further move for entry of Applicant's Express Voluntary Abandonment

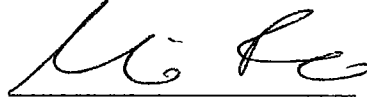
with Consent of Opposer in accordance with the previously submitted agreement of the parties.

Date September 5, 2007

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of September, 2007, a copy of the foregoing JOINT MOTION TO SET ASIDE DEFAULT AND ENTER VOLUNTARY ABANDONMENT WITH CONSENT OF OPPOSER was served electronically per prior agreement of the parties to:

Michelle Brownlee
Trademark Counsel
Bose Corporation
Email: Michelle_Brownlee@bose.com

Service by electronic delivery is acceptable pursuant to amended 37 C.F.R. § 2.119(b)(6), effective August 31, 2007.

Date September 5, 2007



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